

Appendix J – Legislation, policies, plans and strategies for biodiversity conservation

The legislative policy and strategy documents identified in the following table are all relevant to biodiversity conservation

Australian Government

Legislation

Legislation	Summary
Environment Protection and Biodiversity Conservation Act 1999 (EPBC)	<p>The Australian Government’s centre piece of environmental legislation. It provides Commonwealth protection to nationally important flora, fauna and ecological communities.</p> <p>Melbourne Strategic Assessment requires the Victorian Government to make commitments under the EPBC in relation to conservation outcomes and measures to protect matters of national and state environmental significance. In Cardinia Shire this is relevant for the protection of two known threatened species which have had conservation plans developed for;</p> <ul style="list-style-type: none"> • sub regional species strategy for the Southern Brown Bandicoot 2014 • sub regional species strategy for the Growling Grass Frog 2013

Strategies and frameworks

Strategy	Summary
Australian Biodiversity Conservation Strategy	<p>A call to action for all levels of governments to achieve the strategy vision, to ensure our biodiversity is healthy, resilient to climate change and valued for its essential contribution to our existence. The strategy lists six priorities for change that must be made urgently to achieve the vision:</p> <ol style="list-style-type: none"> 1. building ecosystem resilience 2. mainstreaming biodiversity 3. reducing pressures on biodiversity and promoting sustainability 4. enhancing benefits of biodiversity to the community including ecosystem services 5. involving indigenous people and the broader community 6. measuring success
Australia’s Native Vegetation Management Framework (2012)	<p>The framework recognises that native vegetation is crucial for the health of Australia’s environment, that it supports our economy and productivity as well as our biodiversity. The framework sets a vision and five goals around; extent and connectivity, improvement to condition, maximising ecosystem services and capacity building of the community including indigenous peoples.</p>

Strategy	Summary
Australian Weeds Strategy 2017-2027	The major framework setting weed management policy at a national level is the Australian Weeds Strategy. This strategy provides consistent guidance for all parties, and identifies priorities for weed management across the nation with the aim of minimising the impact of weeds on Australia's environmental, economic and social assets
Australian Pest Animal Strategy 2017-2027.	The strategy provides national guidance with a vision and policy on best practice vertebrate pest animal management to protect Australia's economy, environment and social wellbeing from the impact of pest animals. The strategy aims to; recognise the challenges and negative impacts, encourage a coordinated strategic approach and describes the principles to effective pest animal management.
Australian Standards	In the context of biodiversity conservation there are Australia Standards for; <ul style="list-style-type: none"> the protection of trees on development sites. (AS4970-2009) horticulturally correct pruning of trees (AS4374-2007)

Victorian Government

Legislation

Act	Summary
Aboriginal Heritage Act 2006	Provides protection of Aboriginal cultural heritage in Victoria. Gives effect to Aboriginal Heritage Regulations (2018) which define high impact activities and areas of cultural heritage sensitivity. Where a high impact activity is proposed in an area of cultural heritage sensitivity, a cultural heritage management plan must be prepared to assess the likelihood of, and manage harm to, any Aboriginal cultural heritage in the activity area. This includes protection for sites of aboriginal significance or sensitivity from ground disturbance.
Catchment and Land Protection Act (1994) (CaLP Act)	The CaLP Act contains provisions relating to catchment planning, land management, noxious weeds and pest animals. The act provides a legislative framework for the management of private and public land and outlines the responsibilities land managers have to eradicate or control weeds of varying classifications. The act also provides direction for the management of established pest animals.
Climate Change Act (2017)	Identifies the management of climate change risks and, identifies actions to drive transitions to climate resilient communities with zero emissions by 2050. Requires Adaptation Action Plans for key systems such as the Ramsar wetlands and Cardinia's coastal

Act	Summary
	saltmarsh that are either vulnerable to the impacts of climate change or essential to ensure Victoria is prepared
Conservation Forests and Lands Act 1987	Provides a framework for a land management system to administer and enforce provisions for management, including section 69 agreements for on title protection of reserves for perpetuity.
Crown land Reserves Act (1978)	Provides the direction for the management of Crown Land. Cardinia Shire Council is the delegated committee of management for many environmentally significant Crown Land reserves. This includes the obligation to appropriately protect, care and enhance flora and fauna within the reserve.
Domestic Animal Act 1994	Enables Council to direct that cats are kept secured within the owners premises at all times
Environment Protection Act 1970	The act is outcome oriented, with a basic philosophy of preventing pollution and environmental damage by setting environmental quality objectives and establishing programs to meet them. State environment protection policies (SEPPs) are defined in the Act as an important component of the regulatory framework in Victoria. SEPPs outline the uses and values of the environment that the community want to protect (these are called beneficial uses) and define the quality of the environment required to protect these
Flora and Fauna Guarantee Act (1988) (FFG Act)	The act is the primary Victorian legislation for the protection and conservation of threatened species and communities and for the management of potentially threatening process. The objectives of the Act include; ensuring native flora and fauna survive, flourish and maintain in situ; the protection of evolutionary potential; the management of threatening processes; encouraging the conserving of flora and fauna through cooperative community endeavours; and the establishment of a regulatory structure for the conservation of flora and fauna in Victoria. Species in Cardinia Shire listed as threatened in the act include but are not limited to dwarf galaxias, growling grass frog, powerful owl, greater glider, matted flax-lily and cobra greenhood.
Local Government Act (1989)	This defines the purposes and functions of local government as well as providing the administrative framework. Cardinia Shire enforces Local Law 17 environment, amenity and asset protection, to take action against landowners not controlling noxious weeds on their land. Local Law 17 also provides protections to conserve environmental assets in Council Shire's natural resource areas.

Act	Summary
<p>Planning and Environment Act (1987)</p>	<p>The act provides an essential framework for future sustainable development and can play a significant role in directing appropriate land management. The planning scheme sets out policies for the use, development and protection of native vegetation and waterways, providing Council with opportunities for influencing vegetation management on private land.</p> <p>All planning applications received by Council's Planning Department proposing the clearance of native vegetation are referred to Council's Environment and Heritage Unit for further investigation and comments. Matters involving native vegetation removal in the 'detailed assessment pathway' are also referred to DELWP. Environmental assessment of planning applications is guided by a range of existing conservation planning controls including;</p> <ul style="list-style-type: none"> • Environmental and Landscape Values – 12.0 • Natural Resource Management – 14.0. This includes creek management plans under clause 14.02. • Green Wedge Zone – 35.04 • Rural Conservation Zone – 35.06 • Public Conservation and Resource Zone – 36.03 • Environmental Significance Overlay – 42.01 Schedules 1 to 6 (ESOs): defines objectives to protect and enhance important environmental values. Applications to remove vegetation must show they demonstrated the hierarchy of avoid, minimise and compensation for vegetation loss. • Vegetation Protection Overlay – 42.02 Schedules 1 to 3 (VPOs): defines objectives to protect and conserve existing vegetation used for the protection and maintenance of vegetation in built-up areas. Applications to remove vegetation must show they demonstrated the hierarchy of avoid, minimise and compensation for vegetation loss. • Clause 52.17 - incorporates the three step approach of avoidance, minimisation and offsetting vegetation removal applications to ensure there is no net loss of biodiversity. • Bushfire planning – 53.02 Provides guidelines for defensible space requirements • Native Vegetation Precinct Plans within the growth corridor – Provides for the strategic management of native vegetation for a defined area or precinct.
<p>Victorian Conservation Trust Act 1972</p>	<p>Authorises the Trust For Nature organisation the process to permanently protect on title public and private land which is ecologically significant. Cardinia Shire has 57 properties that contain conservation covenants on title, which annually grow and are one of the highest concentrations of</p>

Act	Summary
	covenants within a municipality in the state. These properties are eligible for rate rebates.
Wildlife Act 1975	The primary Victorian legislation for the protection and management of wildlife. The operations of the Flora and Fauna Guarantee Act 1988 often need to be considered in conjunction with the provisions and procedures of the Wildlife Act, as some wildlife will be protected under both acts. The act requires that people engaged in wildlife research including fauna surveys, salvage or translocation must hold a valid permit under the act to ensure that these activities are undertaken consistently and with the appropriate controls
Water Act (1989)	Provides the legal framework for management and protection of Victoria's water resources and waterways including creation of Water Corporation (Melbourne Water) licencing to use water and the protection of water flows and quality.

Plans and frameworks

Title	Summary
Protecting Victoria's Environment – Victoria's Biodiversity Plan 2037	The Victorian Governments plan to stop the decline in biodiversity and achieve an overall improvement over the next 20 years. The plan identifies the need for an increased effort using strategic management actions and a cost benefit analysis to most efficiently protect the maximum number of species. The plan plays a strong reliance on the need to work with communities to capture environmental data out in the field. using methodologies such as the Victorian Biodiversity Atlas and Citizen Science programs. The plan places equal weighting on biodiversity conservation and the need to for the community to value nature through increased interaction and connectivity.
Invasive Pest Plant and Animal Policy Framework (IPAPF)	The policy provides a revision of the Victorian Pest Management Framework. It represents the Victorian Government's approach to managing existing and potential invasive species across the whole of Victoria.
Department of Environment, Land, Water and Planning (DELWP) : Guidelines for the removal destruction and lopping of native vegetation	Describes the application of Victoria's statewide policy in relation to assessing and compensating for the removal of native vegetation.
DELWP: Preparing a Native Vegetation Precinct Plan	Provides for the strategic management of native vegetation for a defined area or precinct.
DELWP: Compliance and enforcement strategy, native vegetation removal regulations	This is used to guide offset security agreements, to inform compliance activities in relation to the native vegetation removal regulations, including the development of compliance and enforcement plans.

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DELWP: Native vegetation planting standards	This sets out the appropriate standard for revegetation which are identified in planning permit conditions.

Regional Strategies

Title	Summary
Port Phillip and Western Port Regional Catchment Strategy 2004-2009	The Regional Catchment Strategy (RCS) describes the Port Phillip & Westernport catchment assets and how they are interrelated. The strategy details what needs to be done to manage and use the assets in a sustainable and integrated way, and outlines future goals and priorities

Local Strategies

Title	Summary
Cardinia Shire Council Plan (2018–22)	Commits to 'long-term sustainability of the built and natural environment' within an overall framework that plans for 'future generations to enjoy and experience the diverse and distinctive characteristics of our municipality'. The Council plan identifies the action 'protect and enhance biodiversity by increasing the area of natural ecosystems across the Shire'
Sustainable Environment Policy (2018-2028)	A roadmap for the future direction of Council's environmental sustainability. It identifies environmental challenges facing the municipality and provides an overarching framework to ensure a consistent and holistic approach. The policy focuses on the areas of: Biodiversity, Climate change, Waste, Water.

Title	Summary
Weed Management Strategy (2019-2029)	Provides the long term direction on Council policy and management of weeds on private and public land. This includes providing information on Council's legislative obligations and the most effective management strategies to engage Council and the community.
Cardinia Shire Liveability Plan (2017-2029)	Recognises Council's role in coordinating local public health planning, by bringing together a range of organisations and local groups to collectively protect, improve and promote the health and wellbeing of all Cardinia Shire residents
Aspiration Energy Transition Plan 2014-24	Strategically considers Council's and the community's energy consumption and greenhouse gas emissions and identifies significant areas for cost effective improvement including tree planting opportunities for carbon sequestration.
Integrated Water Management Plan 2015-25	Identifies the anticipated growth in population and the impact of urbanisation on Cardinia Shire's water cycle, and seeks to ensure that the water cycle can support productive land uses, particularly in the context of climate change. The plan identifies aspirations and targets for; stormwater, potable water, alternative water sources, groundwater, wastewater and waterways.
Reconciliation Action Plan	This action plan responds to the Aboriginal Heritage Act and influences our management actions. The Victoria Biodiversity 2037 strategy is heavily weighted on Aboriginal liaison.